

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**GONZALEZ,**

**Petitioner**

**- against -**

**SUPERINTENDENT,  
Five Points Correctional Facility,**

**Respondent.**

**19CV1084 (NSR)(LMS)**

**ORDER**

**THE HONORABLE LISA MARGARET SMITH, U.S.M.J.**

In this habeas proceeding, Petitioner had been ordered by the Court to show cause why his petition for a writ of habeas corpus should not be dismissed as time-barred, Docket # 10, and in a letter received by the Court on May 16, 2019, Petitioner requested additional time to respond to the order to show cause and informed the Court that he had been transferred from Five Points Correctional Facility to Cayuga Correctional Facility. Docket # 11. Although the extension of time was granted, and Petitioner filed a declaration in response to the order to show cause, the declaration, dated August 5, 2019, and filed on August 14, 2019, also lists Petitioner's address as Cayuga Correctional Facility. Docket # 13 at 2. Nonetheless, the docket sheet has not been updated to reflect Petitioner's new address, and all papers have continued to be mailed to, and served upon, Petitioner at Five Points Correctional Facility, including Respondent's pending motion to dismiss Petitioner's habeas petition. Petitioner has not filed any papers in opposition to the motion, and the Court wonders whether Petitioner ever received the motion. A search in the NYDOCCS inmate lookup service reveals that Petitioner is still housed at Cayuga Correctional Facility. <http://nysdoccslookup.doccs.ny.gov/GCA00P00/WIQ1/WINQ000> (Last visited on 5/26/2020).

Accordingly, Respondent is ordered to re-serve the motion to dismiss and accompanying state court record (Docket ## 20-21) upon Petitioner at Cayuga Correctional Facility **within 14 days of the date of this Order** and to file proof of service with the Court. Petitioner shall have **30 days from the date on which he is served with the motion papers** to file and serve his opposition. Respondent may serve and file reply papers, if any, **within 7 days** from the date on which Respondent is served with Petitioner's opposition.

The Clerk of Court is directed to change Petitioner's address to Cayuga Correctional Facility, P.O. Box 1186, Moravia, New York 13118.

Dated: May 26, 2020  
White Plains, New York

**SO ORDERED,**



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Lisa Margaret Smith  
United States Magistrate Judge  
Southern District of New York

A copy of this Order has been mailed by Chambers to the following:

Justin Gonzalez  
14-A-1033  
Cayuga Correctional Facility  
P.O. Box 1186  
Moravia, NY 13118